

RESOLUTION NO. 2002-3

RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF WARRICK  
APPROVING THE DESIGNATION OF AND DECLARATION OF THE NORTH  
WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA  
AND APPROVING THE ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Warrick County Redevelopment Commission (the  
“Commission), on November 1, 2002 approved and adopted its Resolution No. 2002-1  
entitled “RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT  
COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK  
COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND  
APPROVING AN ECONOMIC DEVELOPMENT PLAN” (the “Declaratory  
Resolution”) a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Declaratory Resolution designates and declares an area within  
Warrick County, Indiana (the “County”) as the North Warrick County Industrial Park  
Economic Development Area (the “Area”), and adopts an Economic Development Plan  
for the Area entitled “North Warrick County Industrial Park Economic Development  
Plan” (the “Economic Development Plan”) a copy of which is attached hereto as Exhibit  
B; and

WHEREAS, the County Economic Development Advisory Council  
(“EDAC”), on November 1, 2002 approved and adopted its Resolution No. 2002-1  
entitled “RESOLUTION OF THE WARRICK COUNTY ECONOMIC  
DEVELOPMENT ADVISORY COUNCIL APPROVING A RESOLUTION OF THE

WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN” approving the Plan (the “EDAC Resolution”) a copy of which is attached hereto as Exhibit C; and

WHEREAS, the County Area Plan Commission (the “Plan Commission”), as the official planning body for the County, on November 13, 2002, approved and adopted its Resolution No. 2002-1 entitled ‘RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION APPROVING A RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK AN ECONOMIC DEVELOPMENT AREA AND APPROVING THE ECONOMIC PLAN” approving the Plan (the “Plan Commission Resolution”), a copy of which is attached hereto as Exhibit D, and the Plan Commission Resolution is intended to serve as the Plan Commission’s written order approving the Declaratory Resolution and the Plan; and

WHEREAS, the Board of Commissioners of the County, as the Executive Body of the County, on November 20, 2002, approved and adopted its Resolution No. 2002-09 entitled ‘RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF WARRICK APPROVING A RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK AN ECONOMIC DEVELOPMENT AREA AND

APPROVING THE ECONOMIC DEVELOPMENT PLAN” approving the Economic Development Plan (the “Commissioners’ Resolution”) a copy of which is attached hereto as Exhibit E; and

WHEREAS, the Commission has submitted the Declaratory Resolution, the Plan, the EDAC Resolution, the Plan Commission Resolution, and the Commissioners’ Resolution to the County Council of the County (the “County Council”) for approval pursuant to the provisions of IC 36-7-14-41(c), which are attached hereto and made a part hereof; and

WHEREAS, pursuant to the provisions of the Act, the County Council desires to approve the designation of the Area as the North Warrick County Industrial Park Economic Development Area;

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Warrick as follows:

1. The Declaratory Resolution of the Commission, designating and declaring the Area as the North Warrick County Industrial Park Economic Development Area and adopting an Economic Development Plan pursuant to the Act, is in all respects approved, ratified and confirmed.

2. The Plan is in all respects approved, ratified and confirmed.

3. The EDAC Resolution, the Plan Commission Resolution, and the Commissioners’ Resolution adopting and approving the Declaratory Resolution and the Plan are in all respects approved, ratified and confirmed.

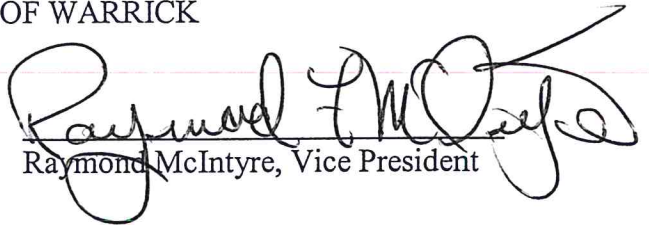
4. The Secretary is hereby directed to file a copy of said Declaratory Resolution, the Plan, the EDAC Resolution, the Plan Commission Resolution, and the Commissioners' Resolution with the minutes of this meeting.

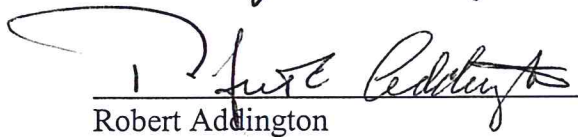
5. This Resolution shall be in full force and effect from and after its adoption by the County Council of the County of Warrick.

PASSED, ISSUED AND APPROVED by the County Council of the County of Warrick this 12<sup>th</sup> day of December, 2002 at a regular meeting of the County Council held in the Warrick County Commissioners Meeting Room, 107 W. Locust Street, Boonville, Indiana 47601.

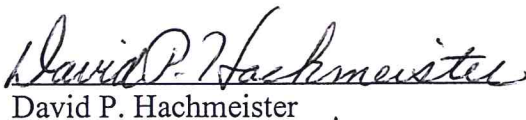
COUNTY COUNCIL OF THE COUNTY OF WARRICK

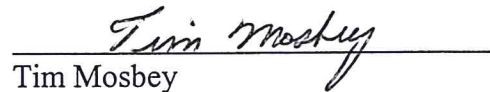
  
Gary Meyer, President

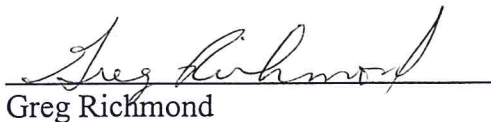
  
Raymond McIntyre, Vice President

  
Robert Addington

\_\_\_\_\_  
Raymond Bracher

  
David P. Hachmeister

  
Tim Mosbey

  
Greg Richmond



## EXHIBIT A

RESOLUTION NO. 2002-1RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT  
COMMISSION DESIGNATING AND DECLARING THE  
NORTH WARRICK COUNTY INDUSTRIAL PARK  
ECONOMIC DEVELOPMENT AREA AND  
APPROVING AN ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Warrick County Redevelopment Commission (the "Commission"), governing body of the Warrick County Department of Redevelopment (the "Department"), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in IC 36-7-14-1 *et seq.*, as amended from time to time (the "Act"); and

WHEREAS, the Department, pursuant to the Act, has conducted surveys and investigations and has thoroughly studied the area within Warrick County (the "County") hereby designated as the North Warrick County Industrial Park Economic Development Area (the "Area") and more particularly described on "Exhibit A" attached hereto.

WHEREAS, upon such surveys, investigations and studies being made, the Commission finds that the Economic Development Plan for the Area, which Plan is hereinafter adopted in this Resolution, cannot be achieved by regulatory processes or by the ordinary operations of private enterprise without resort to the powers allowed under the Act because of lack of local public improvements and the multiple owners of the parcels of real estate to be acquired, and that the public health and welfare will be benefited by the accomplishment of the Economic Development Plan for the Area; and

WHEREAS, the Commission has caused to be prepared maps and plats of the Area, said maps and plats of the Area showing (1) the boundaries of the Area; (2) the

location of the various parcels of property, streets and alleys and other features affecting the acquisition, clearance, replatting, replanning, rezoning, or redevelopment of the Area; and (3) the parts of the Area that are to be devoted to public ways, levees, sewerage, and other public purposes under the Economic Development Plan for the Area as adopted herein. The Economic Development Plan for the Area does not call for any portion of the Area to be excluded from acquisition; and

WHEREAS, the Commission has caused to be prepared a list of the owners of the various parcels of property proposed to be acquired; and

WHEREAS, the Commission has caused to be prepared an estimate of the cost of the acquisition and development of the Area; and

WHEREAS, there was presented to this meeting of the Commission for its consideration and approval, a copy of the Economic Development Plan for the Area, which Plan consists of \_\_\_\_\_ pages, with attachments, and is attached hereto as Exhibit "B" and is entitled:

North Warrick County Industrial Park

Economic Development Plan

and is hereafter referred to as the Economic Development Plan; and

WHEREAS, the Economic Development Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the County, and meets the other purposes of Sections 2.5, 41 and 42 of the Act; and

WHEREAS, the public health and welfare will be benefited by the acquisition and economic development of the Area under the provisions of the Act and the accomplishment of the Economic Development Plan for the Area will be of public utility

and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base and improved diversity of the economic base; and

WHEREAS, the Commission proposes to acquire the various parcels proposed to be acquired in the Economic Development Plan and has set forth its estimate of the costs of acquisition and economic development in the Economic Development Plan; and

WHEREAS, in determining the location and extent of the Area, the Commission has given consideration to transitional and permanent provisions for adequate housing for the residents of the Area, if any, who will be displaced by the economic development thereof; and

WHEREAS, the Economic Development Plan for the Area conforms to other development plans for the County.

NOW, THEREFORE, BE IT RESOLVED by the Warrick County Redevelopment Commission as follows:

1. The Commission hereby finds and determines that the Area is an Economic Development Area in that the Economic Development Plan for the Area:
  - (a) promotes significant opportunities for the gainful employment of the citizens of the County; and
  - (b) meets the other purposes of Section 2.5, 41 and 43 of the Act.
2. The Commission hereby finds and determines that the Economic Development Plan for the Area cannot be achieved by regulatory processes or by the ordinary operations of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvement and the multiple owners of the parcels of real estate in the Area.



3. The Commission hereby finds and determines that the public health and welfare will be benefited by accomplishment of the Economic Development Plan for the Area.

4. The Commission hereby finds and determines that the accomplishment of the Economic Development Plan for the Area will be of public utility and benefit as measured by:

- (a) the attraction or retention of permanent jobs;
- (b) an increase in the property tax base; and
- (c) improved diversity of the economic base.

5. The Commission hereby finds and determines that the Economic Development Plan for the Area conforms to other development plans for the County.

6. The Commission hereby finds and determines that it will be of public utility and benefit to acquire the Area as set forth herein and in the Economic Development Plan and develop it under the Act.

7. The Economic Development Plan is in all respects approved and is hereby adopted as the Economic Development Plan for the Area.

8. The maps and plats of the Area showing (1) its boundaries; (2) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, or redevelopment of the Area, (3) indicating the parcels of property to be excluded from acquisition and (4) the parts of the Area that are to be devoted to public ways, levees, sewerage, and other public purposes under the Economic Development Plan are hereby approved and adopted as the maps and



plats for the Area. The Economic Development Plan does not call for any portion of the Area to be excluded from acquisition.

9. The Commission proposes to acquire all of the interests in the land within the boundaries of the Area as indicated in the Economic Development Plan and no other interests within such Area. The owners of the various parcels of property proposed to be acquired and the estimated cost of the acquisition of said parcels and the economic development thereof, is as set forth in the Economic Development Plan.

10. The Secretary is directed to file a certified copy of the Economic Development Plan with the minutes of this meeting.

11. This Resolution, Economic Development Plan, together with the supporting data, shall be submitted to the Warrick County Economic Development Advisory Council, the Warrick County Area Plan Commission, the Warrick County Board of Commissioners, and the Warrick County Council as provided by Section 16 of the Act, for the approval of the Resolution and Economic Development Plan, and if approved by all bodies, the Resolution and Economic Development Plan shall be submitted to public hearing and remonstrance as provided by Section 17 of the Act, after public notice in accordance with Section 17 of the Act and IC 5-3-1 and after all required filings with governmental agencies and officers have been made pursuant to Section 17 (b) of the Act.

12. All orders or Resolutions in conflict herewith are hereby rescinded, revoked and repealed in so far as such exist.

13. This Resolution does not affect any rights or liabilities accrued, penalties incurred, offenses committed, or proceedings begun before the effective date of this Resolution.

14. This Resolution shall be in full force and effect from and after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Warrick County  
Redevelopment Commission held on the 15<sup>th</sup> day of November, 2002,  
at 3775 Haley Drive, Suite B, Newburgh, IN 47630.

WARRICK COUNTY REDEVELOPMENT COMMISSION

L.B. Dugan  
L.B. Dugan, Chairman

ATTEST:

Stu Phillips  
Stu Phillips, Secretary

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EXHIBIT A

Part of the South Half of Section 7, Township 4 South, Range 9 West and part of the North Half of Section 18, Township 4 South, Range 9 West, Ir Warrick County, Indiana, being more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 18, thence along the west line thereof North 00 degrees 58 minutes 19 seconds East 1341.43 feet to the southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 18; thence along the west line thereof North 00 degrees 42 minutes 00 seconds East 307.56 feet to the northeast corner of a tract of land conveyed to Wayne and Bonnie Fehd in Deed File 3, Card 9190 in the Office of the Recorder of Warrick County, Indiana; thence along the north line of said Fehd tract South 89 degrees 51 minutes 33 seconds West 1201.40 feet to the southeast right-of-way line of State Road 57; thence along said right-of-way line North 20 degrees 58 minutes 02 seconds East 2334.40 feet to the Northwest corner of Lot 3 in the Exempt Division of the Mary J. Kuebler and Bonnie Loveless Property, recorded in Document Number 1995R-7429 in said Office of the Recorder; thence along the north line thereof, North 89 degrees 58 minutes 37 seconds East 386.81 feet to the northeast corner of said Lot 3 and the southeast corner of Lot 2 of said Exempt Division, said point being on the west line of the Southeast Quarter of the Southwest Quarter of said Section 7; thence along said west line and the east line of said Lot 2, North 00 degrees 24 minutes 55 seconds East 143.27 feet to the northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 7; thence along the north line thereof South 89 degrees 44 minutes 22 seconds East 1534.05 feet to the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 7; thence along the north line thereof South 89 degrees 38 minutes 45 seconds East 659.82 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 7; thence along the east line thereof South 00 degrees 04 minutes 53 seconds East 663.03 feet to the southeast corner thereof; thence along the north line of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 7, South 89 degrees 40 minutes 00 seconds East 655.49 feet to the northeast corner thereof; thence along the east line thereof South 00 degrees 17 minutes 35 seconds West 662.78 feet to the southeast corner thereof; thence along the east line of the West Half of the Northeast Quarter of said Section 18, South 00 degrees 22 minutes 09 seconds West 1145.12 feet; thence parallel to the south line of the Northwest Quarter of the Northeast Quarter of said Section 18, North 89 degrees 37 minutes 30 seconds West 1311.05 feet to the east line of the Northeast Quarter of the Northwest Quarter of said Section 18; thence parallel to the south line thereof North 88 degrees 56 minutes 22 seconds West 214.00 feet to a point on the west line of 13 acres of even width off the east side of the Northwest Quarter of said Section 18; thence along said west line South 01 degrees 03 minutes 28 seconds West 1504.79 feet to a point on the south line of the Southeast Quarter of the Northwest Quarter of said Section 18; thence along said south line North 89 degrees 37 minutes 40 seconds West 1330.05 feet to the Point of Beginning, containing 237.64 acres (10,341,626 sq. ft.)

Subject to all easements and rights-of-ways of record.





**NORTH WARRICK COUNTY  
INDUSTRIAL PARK  
ECONOMIC DEVELOPMENT PLAN**

*A Great Place To Grow* Exhibit B  
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**NORTH WARRICK COUNTY  
INDUSTRIAL PARK  
ECONOMIC DEVELOPMENT PLAN**

**Prepared by:**

**Warrick County Economic  
Development Department**

**Executive Director:  
Sue Gibbens, CEcD**

**Address:**

**3775 Haley Drive, Suite B  
Newburgh, IN 47630**

**Telephone:**

**(812) 858-3555**

## **WARRICK COUNTY COUNCIL MEMBERS**

**Gary Meyer, President**  
**Ray McIntyre, Vice President**  
**Robert Addington**  
**Raymond Bracher**  
**David Hachmeister**  
**Tim Mosbey**  
**Greg Richmond**

## **WARRICK COUNTY COMMISSIONERS**

**Carl Connor, President**  
**Jack Pike**  
**Don Williams**

## **WARRICK COUNTY ECONOMIC DEVELOPMENT ADVISORY COUNCIL MEMBERS**

**Randall Pemberton, Vice Chairman**  
**Bill Kruse, Secretary**  
**Stu Phillips, Treasurer**  
**Michael Andreas**  
**Steve Beard**  
**L.B. Dugan**  
**Jay Kivett**  
**Phillip Springstun**

## **WARRICK COUNTY REDEVELOPMENT COMMISSION MEMBER**

**L.B. Dugan, Chairman**  
**Jay Kivett, Vice Chairman**  
**Stu Phillips, Secretary**  
**Phillip Springstun, Treasurer**

# ECONOMIC DEVELOPMENT PLAN

## I. INTRODUCTION

The Warrick County Commissioners passed an ordinance in 1989 creating the Economic Development Advisory Council (EDAC) to create jobs, diversify the economy and create a larger tax base. In 1990, they created the Redevelopment Commission to facilitate investment in blighted and underdeveloped areas of Warrick County. The lack of public facilities and infrastructure has been one of the largest barriers to development in the county. One of the primary responsibilities of the Redevelopment Commission is to implement policies and procedures to create an infrastructure base conducive for sustaining long-term growth and development. The Redevelopment Commission hereby proposes the establishment of the North Warrick County Industrial Park Economic Development Area.

The Economic Development Area consists of approximately 234 acres located about 0.7 miles North of Elberfeld, North of Nobles Chapel Road and East of State Road 57. See Conceptual Plan Map #101. The current land use of the site is agricultural. Surrounding properties are mainly composed of farmland with a few residential homes nearby. The area has been identified in the 1999 Warrick County Comprehensive Plan as industrial land; however, it lacks the infrastructure necessary to support industries and is owned by multiple individuals. Consideration has been given for adequate housing of the residents of the area and adequately addressed.

The Economic Development Plan highly recommends the acquisition and development of the area into a quality industrial park designed to accommodate new and expanding industries and to diversify the county's economic base. Procedures and standards for development are discussed later in this plan.

### A. GOALS AND OBJECTIVES

1. The three main goals of developing the industrial park are:
  - a) Provide greater employment opportunities for Warrick County citizens;
  - b) Diversify the County's economy; and
  - c) Create a larger tax base in the County.
2. The Economic Development Plan's objectives are:
  - a) Provide an industrial park with all utilities to facilitate retention and expansion of the region's existing industries and the attraction of new industries into the region;
  - b) Create a new kind of industrial park that combines quality with flexibility;
  - c) Influence future industrial development by setting a standard of quality; and
  - d) Generate greater industrial interest in Warrick County;



# ECONOMIC DEVELOPMENT PLAN

It is imperative that the Warrick County Economic Development Advisory Council, Redevelopment Commission, Economic Development Department and Area Planning Commission, with oversight of the County Council and County Commissioners, cooperate and coordinate their actions to achieve the above stated goals.

## B. PHILOSOPHY

The philosophy of the Economic Development Advisory Council and the Redevelopment Commission is to create a business climate that encourages manufacturing, production and processing services, and distribution facilities to locate in the county, which will enhance the quality and character of the area. The park will not be suitable for all types of industries. Most heavy industries which could be obtrusive or offensive to park tenants, or the surrounding area, will be prohibited.

### 1. DEVELOPMENT FEASIBILITY

In April 2002, the Warrick County Economic Development Department analyzed seven (7) prospective industrial sites. The evaluation considered such factors as location, visibility, highway access, size, topography, utilities, soil conditions, mining, flood potential, and adjacent land use. The proposed site for which this plan has been written emerged as the prime location due to its location, visibility, size, developable acreage, transportation access, and relative closeness to sewer and gas utilities.

Throughout the development process of this site, additional feasibility studies and analysis will be conducted to ensure that Warrick County will receive the maximum benefit of this development while minimizing costs to county taxpayers.

### 2. DEVELOPMENT OPPORTUNITIES/CONSTRAINTS

Location, visibility, developable acreage, and transportation access are the major assets of this site. It is located 0.2 miles North of the I-64/I-164 interchange on State Road 57. This corridor is one of the remaining routes proposed for the location of I-69. State Road 68 is approximately 0.6 miles North of the site. This location provides an efficient corridor to transport goods and services to major markets. The site is highly visible from I-64 and State Road 57.

The greatest challenge of developing this industrial site is the extension of industrial-size water and sewer lines to it - especially the water line. Currently, a study is being performed to determine the most economical way to supply the park with water and sewer infrastructure. The other constraint is



## ECONOMIC DEVELOPMENT PLAN

the fact that the site is owned by multiple property owners. It is proposed that the Warrick County Redevelopment Commission perform due diligence to determine any existing environmental constraints.

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## II. DUE DILIGENCE

Prior to the purchase of the site the following due diligence will be performed:

### A. TITLE SEARCH

Title searches will be conducted on the properties to determine any deficiencies and severed mineral rights.

### B. SITE APPRAISALS

Two (2) appraisals of the properties will be conducted and averaged to determine their approximate value.

### C. SITE SURVEY

A survey will be made to determine the exact acreage and boundaries of the site and a plat will be prepared.

### D. LEGAL DESCRIPTION

Legal description of the property as set forth in the Protective Covenants.

### E. PHASE I ENVIRONMENTAL STUDY

A Phase I Environmental Study has been performed on the site to determine any environmental constraints that would affect the development of the properties as an industrial site. No constraints were noted in the study.

### F. WETLANDS STUDY

If there are any indications of wetlands on the properties, a wetlands delineation study will be conducted to determine the location and acreage of the wetlands. No wetlands were detected by the Phase I Environmental Study and the National Wetlands Map.

### G. CULTURAL RESOURCES STUDY

If federal monies are used, or if a federal permit is required, a cultural resources study will be required. No federal monies are planned for this project.

# ECONOMIC DEVELOPMENT PLAN

## H. GEO-TECHNICAL STUDY

A geo-technical study will be performed to determine the depth of bedrock, types of soils and their engineering properties, load-bearing capacity, and depth to groundwater.

## I. ZONING REQUIREMENTS

The site is currently zoned agricultural. It is proposed that the site be rezoned to M-2 General Industrial.

It is the County's intention to attract manufacturing facilities that desire to be located in a quality industrial park where properties will be well maintained and the owner's investments will be protected from unsightly or obtrusive land uses. The industrial park will have restrictive covenants that provide even greater protective measures for the park facilities and surrounding property owners.

## J. ACQUISITION PROCEDURES

Upon approvals and resolutions from the Redevelopment Commission, Area Planning Commission, Warrick County Council, and Warrick County Commissioners and a public hearing, it is proposed that Warrick County set aside the monies to purchase the proposed industrial site. Monies should also be set aside for engineering studies, legal costs, installation of utilities to the boundaries of the site, and the temporary road on the site as well other associated costs. The County will acquire approximately 234 acres. See Conceptual Plan Map #101. Acquisition costs are estimated to be \$10,500 per acre, but are subject to an average of the two (2) appraisals of the properties. The actual acreage will be determined by a survey of the properties. Upon the purchase of the property the County will prepare a Warranty Deed for the property to be given to the Redevelopment Commission for development.

# ECONOMIC DEVELOPMENT PLAN

## III. PRELIMINARY CONCEPTUAL DESIGN

The Economic Development Advisory Council and the Redevelopment Commission's goal is to create an industrial park that will attract new and expanding industries, create good paying jobs for the community, expand the tax base, and diversify the economy. The most important factor in achieving this goal is the ability to offer an industrial site that is under control, with expandable utilities at the site, and excellent transportation access to an interstate. Without such a site the County would be at a disadvantage to compete in the economic development arena.

The site has been subdivided into thirteen (13) lots ranging from ten (10) to twenty-four (24) acres. Proposed roads, highway entrance, utility lines, and detention basins have been laid out in the plan based upon a one (1) foot contour topographic map that was prepared by the engineers. See Conceptual Plan Map #101 and #102.

The conceptual plan contained in this document is only one possible scenario for lot parcelization and infrastructure location. As the due diligence and engineering design phase progresses, modification of the plan will occur.

### A. EXISTING UTILITIES

The site is served by the following utilities:

Water	A study is being prepared to determine the most economical method of providing water to the industrial park.
Sewer	Elberfeld Sewer Department
Gas	Vectren
Electric	Cinergy

The engineering master plan will evaluate the existing utility services and a plan will be developed outlining the specifications, capacities, and locations of new utility lines to serve the industrial park.

### B. SITE IMPROVEMENTS

Proposed improvements to the site include construction of industrial-size water and sewer lines to its boundaries and developing a temporary road on the site composed of dense grade gravel. The road will be utilized to show the amenities of the site to prospective industries. As the park develops, a road network will need to be built and utility lines installed. Landscaping and buffers will be built to enhance the aesthetics of the site.



# ECONOMIC DEVELOPMENT PLAN

## C. WATER

Currently, a study is being performed to determine the best alternative of supplying water to the proposed industrial park. Upon the completion of the study, the Redevelopment Commission will select the best alternative and negotiate a contract with the supplier. It is proposed that the line be brought to the western boundary of the site. This will allow the extension of the water line as it is needed.

## D. SEWER

It is proposed that the Redevelopment Commission extend sewer service from Elberfeld to the southern boundary of the industrial site. This strategy will permit the Redevelopment Commission to invest in sewer improvements as they are needed. Currently, a study is being prepared to ascertain the most economical way to serve the site with sewer service. A contract will be negotiated with the City of Elberfeld to supply the site.

## E. DRAINAGE

A drainage plan will be developed by the engineers along with the design of interior roadways and utility placement. The plan will determine where detention basins will be located.

## F. ROADWAY AND TRAFFIC CIRCULATION

The industrial site is adjacent to the East side of State Road 57. A traffic study is currently being performed to determine the estimated number of cars and trucks associated with the industrial park and the impact they will have on the current traffic flow on State Road 57 and other impacted roads. Warrick County will work closely with the Indiana Department of Transportation (INDOT) to ease the impact of the industrial park.

The engineers have a preliminary layout of the park entrance and interior road network. See Conceptual Plan Map #101. The traffic plan will maximize developable land and traffic circulation, and minimize development costs. It is proposed that a temporary road be built on the site, consisting of dense grade gravel, to allow the site's amenities to be shown to prospects.

# ECONOMIC DEVELOPMENT PLAN

## IV. DEVELOPMENT CRITERIA AND PROCEDURES

### A. PROTECTIVE COVENANTS

Development standards for the industrial park are governed by the protective covenants incorporated into this plan. They will be modified as the engineering studies are developed. The following are examples of site criteria addressed:

1. Permitted Land Uses
2. Buildings and Structures
3. Signage
4. Lighting
5. Parking
6. Landscaping and Buffers
7. Utilities

### B. REVIEW PROCESS

1. Preliminary Review
  - a) Site Plan
  - b) Building Design
  - c) Landscape Design
  - d) Signage
2. Final Review
  - a) Engineering Documents
  - b) Architectural Documents
  - c) Site Development Drawings
  - d) Landscape Drawings

The Redevelopment Commission will develop a set of guidelines outlining the review process in greater detail for dissemination to individuals or businesses with development proposals.

Protective Covenants are attached as Attachment #1.

### C. DISPOSITION PROCEDURES

Upon completion of acquisition and rezoning of the industrial park site, the County Commissioners will deed the property to the Redevelopment Commission which will dispose of the property in accordance with all provisions of Indiana law. It is proposed that public improvements be constructed prior to disposition. A public land offering will then be conducted. An agreement between the

# ECONOMIC DEVELOPMENT PLAN

Redevelopment Commission and each purchaser will be drafted incorporating standards consistent with this Economic Development Plan.

## 1. Approvals

Individuals interested in purchasing parcels within the industrial park area will be required to submit proposal to the Redevelopment Commission. The proposal shall contain a map identifying the subjects parcel(s), the offering price for the land, description of the project being proposed for the parcel(s) and a detailed cost estimate for the proposed development.

## 2. Good Faith Deposit

In order to be considered by the Redevelopment Commission, a proposal must be accompanied by a certified check in the sum equal to five percent (5%) of the cost of the land and payable to the Warrick County Redevelopment Commission. The deposit will serve as an earnest money deposit insuring good faith on the part of the bidder. If the proposal is accepted, the deposit will be applied to the purchase price. Unsuccessful bids will result in deposits being refunded. Forfeiture of deposit may occur if bidder fails to comply with all provisions established by the Redevelopment Commission.

The Redevelopment Commission will accept or reject proposals based on the following factors:

- a) The offering price;
- b) The size and character of the improvements proposed to be made;
- c) The bidder's plans and ability to improve the real property with reasonable promptness;
- d) Whether the real property when improved will be sold or rented;
- e) Any factors that will assure the Commission that the sale or lease, if made, will further the execution of the Economic Development Plan and best serve the interests of the county, from the standpoint of both human and economic welfare.

## 3. Plan Approval

Upon review and approval of the bidder's construction documents and site plans by the Redevelopment Commission, a letter of acceptance will be issued.

Once the bidder has received approval, the Redevelopment Commission will convey title by Warranty Deed or Special Warranty Deed upon payment of the purchase price.



## ECONOMIC DEVELOPMENT PLAN

Once the property Deed has been issued, the bidder is then free to apply for and secure all the necessary permits required prior to the commencement of construction.

# ECONOMIC DEVELOPMENT PLAN

## V. FINDINGS OF THE REDEVELOPMENT COMMISSION

The Warrick County Redevelopment Commission finds that the creation of the North Warrick County Industrial Park Economic Development Area is essential for facilitating economic development in the county. Furthermore, the Redevelopment Commission finds that:

1. The Plan for the Economic Development Area promotes significant opportunities for the gainful employment of Warrick County citizens;
2. The Plan for the Economic Development Area will attract major new businesses and allow for retention or expansion of existing businesses;
3. The Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise because of the lack of local public improvements;
4. The public health and welfare will be benefited by accomplishment of the Plan;
5. The Plan for the Economic Development Area conforms to other development plans for Warrick County.

Warrick County's dependence on a few large industries is considered unhealthy for long range economic planning. Industrial diversification is of paramount importance if the county is to sustain the quality of life its citizens have come to enjoy. In order for Warrick County to attract new and expanding industry, accessible and reasonably priced industrial sites with infrastructure in place are a must.

The North Warrick County Industrial Park project will enable the county to aggressively pursue industrial development in a more proactive fashion in order to bring new employment and investment to Warrick County.

# ECONOMIC DEVELOPMENT PLAN

## VI. MARKETING

Any industrial park parcels remaining after thirty (30) days following the public land offering, will be marketed through the Warrick County Economic Development Department. A marketing plan will be developed to expedite the disposition of the remaining parcels in a manner that will provide the greatest economic benefit to the County.



**VII. MAPS**

Parcel Acreage and Property Owners

Conceptual Layout Map #101

Infrastructure Layout Map #102



SCALE 1" = 600'

S.R. 57

030-0749-0400  
Loveless, Bonnie L. & Oscar  
185 N. Fifth St.  
Elbertfeld, IN 47613

PARCEL 4 ACREAGE

16.42 ACRES  
715,375 SQ. FT.

030-0749-0210  
McWinders, Bonnie; McWinders, Elaine  
Garbers, Ronald; Garbers, Roger  
Garbers, Melvin; Garbers, Marvin  
Garbers, Fred  
c/o Bonnie Wheaton  
5755 S.R. 88 W  
Lynnville, IN 47619

PARCEL 1 ACREAGE

117.12 ACRES  
5,101,938 SQ. FT.

030-0749-0220  
McWinders, Bonnie; McWinders, Elaine  
Garbers, Ronald; Garbers, Roger  
Garbers, Melvin; Garbers, Marvin  
Garbers, Fred  
c/o Bonnie Wheaton  
5755 S.R. 88 W  
Lynnville, IN 47619

030-1849-0400  
Milton, Shirley  
P.O. Box 5134  
Evansville, IN 47711

PARCEL 2 ACREAGE

23.34 ACRES  
1,016,776 SQ. FT.

OVERALL ACREAGE

237.64 ACRES  
10,341,626 SQ. FT.

030-1849-0080  
McWinders, Bonnie; McWinders, Elaine  
Garbers, Ronald; Garbers, Roger  
Garbers, Melvin; Garbers, Marvin  
Garbers, Fred  
c/o Bonnie Wheaton  
5755 S.R. 88 W  
Lynnville, IN 47619

030-1849-0080  
Zick, Vaughn John  
11400 Nobles Chapel Rd.  
Elbertfeld, IN 47613

PARCEL 3 ACREAGE

40.00 ACRES  
1,742,601 SQ. FT.

030-1849-0110  
Cedatney, Vincent B. Trust  
RR 1, Box 59  
Elbertfeld, IN 47613

PARCEL 5 ACREAGE

40.74 ACRES  
1,774,767 SQ. FT.

Nobles Chapel Road

**Morley and Associates inc.**

600 S.E. SIXTH STREET/EVANSVILLE, IN. 47713

PHONE: (812) 464-9585 FAX: (812) 464-2514

i. No.: 13	Filename: 85x11exhibit	Date: 10/31/2002	Chk. By: D.K.L.	Drawn by: J.E.V.
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B

17 of 31

11

1-04

Nobles Chapel Road

North Road

S.R. 57

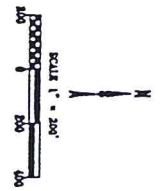


EXHIBIT B  
18 of 31

C-101

Project: North Warrick Industrial Park  
 Sheet: Conceptual Layout

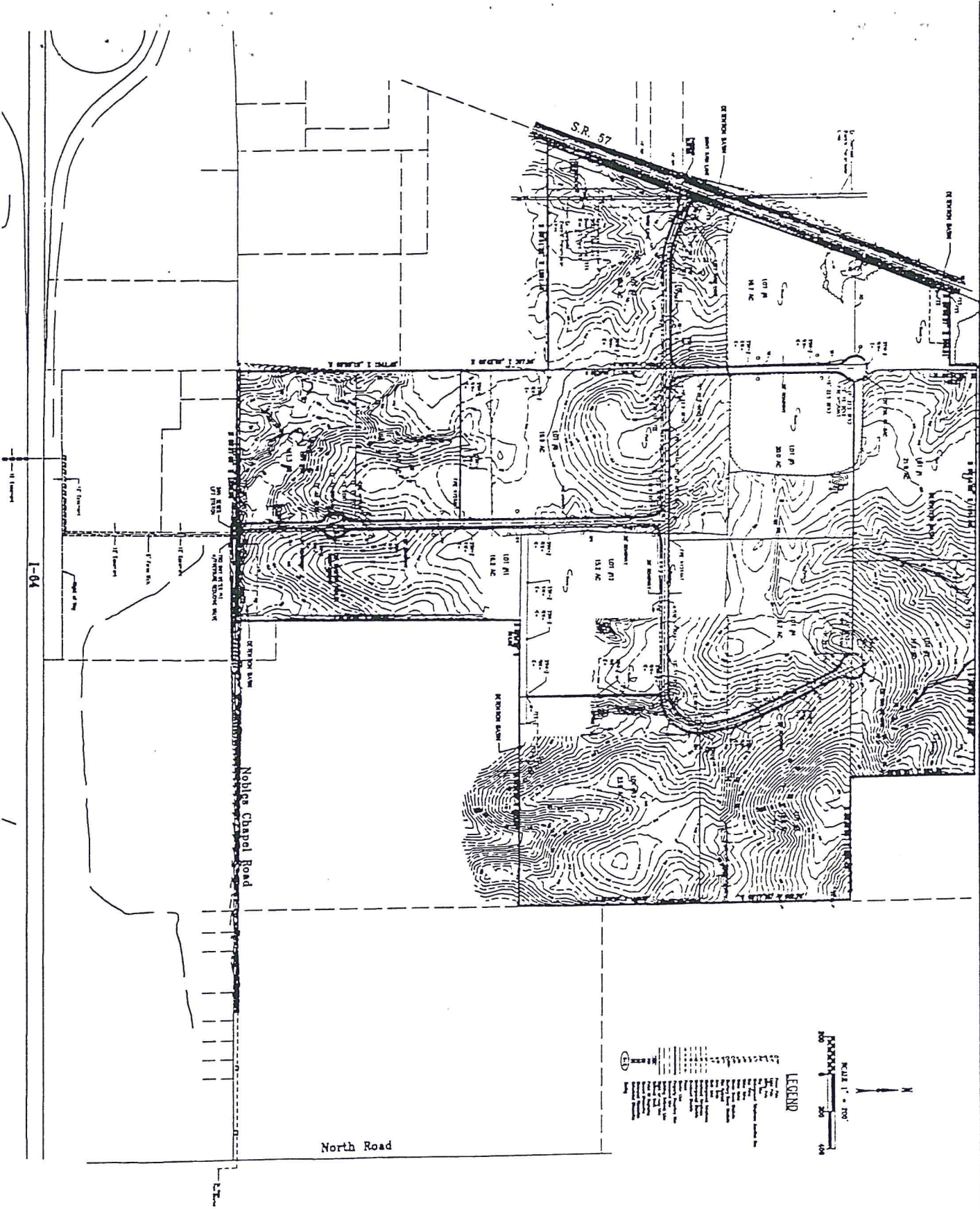


REVISIONS			
No.	Date	By	Description

Notes:  
 1. All dimensions are in feet and inches.  
 2. All areas are in acres.  
 3. All bearings are in degrees, minutes and seconds.  
 4. All distances are in feet.  
 5. All elevations are in feet above sea level.

**Morley and Associates, Inc.**  
 Consulting Engineers/Surveyors/Architects  
 800 E. Birch Street  
 Evansville, Indiana 47718  
 (812) 466-0566





B  
19 - 31

Project: North Warwick Industrial Park	
Sheet: Infrastructure Layout	
DATE: 10/1/88	BY: J. MORLEY
DATE: 10/1/88	BY: J. MORLEY
DATE: 10/1/88	BY: J. MORLEY



Revisions	
No.	Description

North Warwick Industrial Park  
Infrastructure Layout  
10/1/88  
J. Morley

**Morley and Associates, Inc.**  
Consulting Engineers/Architects/Landscapers  
800 E. 1st Street  
Providence, Rhode Island 02902  
(401) 844-9500



**RESTRICTIONS, RESERVATIONS, CONDITIONS AND PROTECTIVE COVENANTS,  
AFFECTING TITLE TO REAL ESTATE LOCATED IN PART OF THE SOUTH HALF OF  
SECTION 7, TOWNSHIP 4 SOUTH, RANGE 9 WEST AND PART OF THE NORTH HALF OF  
SECTION 18, TOWNSHIP 4 SOUTH, RANGE 9 WEST, WARRICK COUNTY, INDIANA**

THIS INDENTURE WITNESSETH, THAT:

WHEREAS, the undersigned Warrick County Redevelopment Commission, hereinafter referred to as "Developer," is the owner of the following described real property located in Warrick County, Indiana, to-wit:

Part of the South Half of Section 7, Township 4 South, Range 9 West and part of the North Half of Section 18, Township 4 South, Range 9 West, In Warrick County, Indiana, being more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 18, thence along the west line thereof North 00 degrees 58 minutes 19 seconds East 1341.43 feet to the southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 18; thence along the west line thereof North 00 degrees 42 minutes 00 seconds East 307.56 feet to the northeast corner of a tract of land conveyed to Wayne and Bonnie Fehd in Deed File 3, Card 9190 in the Office of the Recorder of Warrick County, Indiana; thence along the north line of said Fehd tract South 89 degrees 51 minutes 33 seconds West 1201.40 feet to the southeast right-of-way line of State Road 57; thence along said right-of-way line North 20 degrees 58 minutes 02 seconds East 2334.40 feet to the Northwest corner of Lot 3 in the Exempt Division of the Mary J. Kuebler and Bonnie Loveless Property, recorded in Document Number 1995R-7429 in said Office of the Recorder; thence along the north line thereof, North 89 degrees 58 minutes 37 seconds East 386.81 feet to the northeast corner of said Lot 3 and the southeast corner of Lot 2 of said Exempt Division, said point being on the west line of the Southeast Quarter of the Southwest Quarter of said Section 7; thence along said west line and the east line of said Lot 2, North 00 degrees 24 minutes 55 seconds East 143.27 feet to the northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 7; thence along the north line thereof South 89 degrees 44 minutes 22 seconds East 1534.05 feet to the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 7; thence along the north line thereof South 89 degrees 38 minutes 45 seconds East 659.82 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 7; thence along the east line thereof South 00 degrees 04 minutes 53 seconds East 663.03 feet to the southeast corner thereof; thence along the north line of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 7, South 89 degrees 40 minutes 00 seconds East 655.49 feet to the northeast corner thereof; thence along the east line thereof South 00 degrees 17 minutes 35 seconds West 662.78 feet to the southeast corner thereof; thence along the east line of the West Half of the Northeast Quarter of said Section 18, South 00 degrees 22 minutes 09 seconds West 1145.12 feet; thence parallel to the south line of the Northwest Quarter of the Northeast Quarter of said Section 18, North 89 degrees 37 minutes 30 seconds West 1316.05 feet to the east line of the Northeast Quarter of the Northwest Quarter of said Section 18; thence parallel to the south line thereof North 88 degrees 56 minutes 22 seconds West 214.00 feet to a point on the west line of 13 acres of even width off the east side of the Northwest Quarter of said Section 18; thence along said west line South 01 degrees 03 minutes 28 seconds West 1504.79 feet to a point on the south line of the Southeast Quarter of the Northwest Quarter of said Section 18; thence along said south line North 89 degrees 37 minutes 40 seconds West 1330.05 feet to the Point of Beginning, containing 237.64 acres (10,341,626 sq. ft.)

Subject to all easements and rights-of-ways of record.



**ARTICLE I.**  
**DEFINITIONS**

**SECTION I.**

The following defines the terms used throughout these Protective Covenants:

- A. Lot: The lot is an individual tract of real property for the purpose of offer, sale, lease or development.
- B. Property: The property is all the land included in the North Warrick County Industrial Park and encompasses all lots.

**ARTICLE II.**  
**REGULATIONS OF OPERATIONS AND USE**

**SECTION I. PERMITTED LAND USES**

The North Warrick County Industrial Park is intended to be a general industrial park. All land uses permitted under the Warrick County M-2 (General Industrial) zoning classification are allowed provided the uses do not detract from the quality and primary purpose of the Property as a general industrial park.

**SECTION II. PROHIBITION OF NUISANCES**

The business conducted upon a Lot shall be conducted in such a manner so as not to cause or produce any of the following effects discernable outside of the buildings located thereon, to-wit: (a) noise or sound that is objectionable because of its volume, duration, intermittent beat, frequency or shrillness; (b) smoke; (c) noxious, toxic, or corrosive fumes or gases; (d) obnoxious odors; (e) dust, dirt, or fly ash; (f) unusual fire or explosive hazards, or (g) vibrations.

**SECTION III. MAINTENANCE OF BUILDINGS AND LOTS**

The Developer, until such time as property is transferred to owner or leased to lessee, shall maintain the premises in a reasonable manner. The owner, lessee, or occupant of a Lot, or improvements located thereon, shall at all times keep the premises, buildings, improvements and appurtenances in a safe, clean wholesome condition and comply in all respects with all government, health, fire, and police requirements and regulations and shall remove at his or its own expense any rubbish which may accumulate on his or its site or part thereof. In the event said owner, lessee, or occupant fails to comply with any or all of the aforesaid specifications and/or requirements within thirty (30) days after written notice thereof, the Developer shall have the right, privilege, and license to enter upon the Lot and make any and all corrections or improvements that may be reasonably necessary to meet such specifications and/or requirements, all at the sole cost and reasonable expense of such owner, lessee, or occupant. Said cost shall be paid by owner, lessee, or occupant to Developer within fifteen (15) days after receipt of notice of the amount due. Any payment not made within said fifteen (15) days shall become a lien upon the Lot.

**SECTION IV. COMPLETION OF CONSTRUCTION**

After commencement of construction of any improvements upon a Lot, the owner, lessee, or occupant shall diligently prosecute the work thereon, to the end that the improvements shall not remain in a partly finished condition any longer than reasonably necessary for completion thereof. The owner, lessee, or



occupant of the Lot on which improvements are being constructed shall at all times keep public and private streets contiguous to the Lot free from any dirt, garbage, trash, or other debris which might be occasioned by construction of the improvements.

#### **SECTION V. EXCAVATION**

No clearing or excavation shall be made except in connection with the construction, maintenance, or repair of any improvement and in accordance with an approved site plan; and upon completion thereof exposed openings shall be leveled, graded, and seeded, as provided on the plans for landscaping required by Article VIII. thereof.

### **ARTICLE III. SUBDIVISION OF PROPERTY**

#### **SECTION I.**

A Lot shall not be further subdivided or replatted without complying with the Warrick County Subdivision Control Ordinance and prior written consent of the Developer. If further subdivided or replatted, the sublots shall be governed by these Protective Covenants.

### **ARTICLE IV. BUFFER REQUIREMENTS**

#### **SECTION I. LANDSCAPE BUFFERS**

Each Lot shall be required to have buffers as follows: Ten (10) feet adjacent to all rights-of-way.

#### **SECTION II. BUFFER USES**

Subject to the provisions in Article VIII. herein below, these buffer areas shall be reserved for landscaping, greenery, street storm water retention, site storm water retention if capacity exists, utility areas (easements), pedestrian circulation (easements), signage, street furnishings, and hardware.

### **ARTICLE V. STORM WATER MANAGEMENT & CONSTRUCTION**

#### **SECTION I. PROVISIONS**

The owner, lessee, or occupant of a Lot shall provide for adequate storm water diversion into designated detention/retention areas within the industrial park in compliance with the requirements of Warrick County. Said storm water diversion systems (or rip-rapped if there is a water retention problem-riparian) shall be designed to not detract from the appearance of the Lots.

#### **SECTION II. MAINTENANCE**

It shall be the responsibility of the owner, lessee, or occupant to provide for the maintenance of said drainage facilities and structures and erosion control measures, except as otherwise expressly provided for herein. The owner agrees to indemnify, defend, and hold harmless the Developer from and against any

claims, damages, or losses occasioned by injury arising from, relating to, or because of the drainage facilities.

## ARTICLE VI. LANDSCAPING REQUIREMENTS

### SECTION I.     LOT LANDSCAPING

The owner, lessee, or occupant of a Lot shall submit detailed plans indicating landscaping of the Lot to Developer for its written approval in accordance with Article XI.

### SECTION II.     LOT LANDSCAPE MAINTENANCE

The owner, lessee, or occupant of a Lot, or any portion thereof, shall at all times keep the landscaping in good order and condition. Should said owner, lessee, or occupant fail to remedy any deficiency in the maintenance of the landscaping within thirty (30) days after written notice by certified letter thereof, Developer hereby expressly reserves the right, privilege, and license to make any and all reasonable corrections or improvements in landscape maintenance at the cost and expense of the owner, lessee, or occupant, as the case may be, such cost and expense to be paid to Developer upon written demand and if not paid within fifteen (15) days after receipt thereof, then such cost and expense shall become a lien upon the Lot.

### SECTION III.    TEN FOOT BUFFER AND UNPAVED RIGHT-OF-WAY LANDSCAPING

The owner, lessee, or occupant of a Lot, or any portion thereof, shall be responsible for the installation and maintenance of all landscaping and that portion of the unpaved right-of-way in front of each Lot. This landscape shall conform to plans and specifications submitted to and approved by Developer, and County commissioners have total control over any road right-of-way.

### SECTION IV.     BUFFER AND UNPAVED RIGHT-OF-WAY LANDSCAPE MAINTENANCE

The buffer areas and unpaved right-of-way landscape areas shall be maintained by the owner or his successors in good order and condition.

## ARTICLE VII. ON-SITE LIGHTING

### SECTION I.

Lighting in parking areas shall be approved by Developer.

### SECTION II.

Architectural lighting shall be restricted to concealed uplighting or downlighting. Such lighting shall be restrained in design and level of illumination. It shall enhance not only the building design, but also the adjoining landscape.



### SECTION III.

Illumination of signage is permitted provided that the source of light is concealed.

## ARTICLE VIII. SIGNS

### SECTION I.

No billboards, flashing, or animated signs shall be permitted on the Property. Warrick County or the Redevelopment Commission may erect billboards within road rights-of-way for marketing purposes as deemed necessary only upon the approval of County Commissioners and the required permits from the Warrick County Area Plan Commission and Building Department. Signs may be erected on a Lot only for the purpose of identifying the company occupying the building and for the purpose of providing directions to reach a building or a particular part thereof. The size and number of signs permitted shall be in accordance with the Warrick County Zoning Ordinance.

## ARTICLE IX. PARKING AREAS

### SECTION I.

Adequate off-street parking shall be provided by the owner, lessee, or occupant of a Lot, or any portion thereof, to accommodate all parking needs for employees, visitors, and company vehicles on the site. The intent of this provision is to eliminate the need for any on-street parking. The owner, lessee, or occupant of the Lot, or any portion thereof, shall not permit any person coming to the Lot to park their motor vehicle on any street or road, either public or private, adjacent to the Lot and shall require all such persons to park their vehicles in the designated paved parking spaces, the location of which shall have been approved by Developer; provided, however, such owner may permit parking on any private road located entirely within the Lot and which has been properly approved, so long as such parking is in compliance with the Warrick County Zoning Ordinance. If parking requirements increase as a result of a change in use or number of employees, visitors, and/or company vehicles, additional off-street parking shall be provided by said owner, lessee, or occupant to satisfy the intent thereof.

### SECTION II.

All driveway and parking areas shall be paved with asphalt or concrete surface.

### SECTION III.

Parking shall not be permitted:

- A. Between street pavement and property line;
- B. Within five (5) feet of any property line not abutting a street right-of-way.
- C. On the street or in the aisles of parking areas.



## SECTION IV.

Access to each Lot shall be limited to an approved Commercial/Industrial Driveway Permit. Application must be filed with the Improvement Location Permit to be approved by the County Highway Engineer and County Commissioners.

### ARTICLE X. GENERAL RESTRICTIONS

Without limiting the generality of any of the foregoing, the following restrictions shall be maintained and enforced with respect to a Lot:

#### A. Temporary Improvements

No temporary buildings or other improvements of a temporary nature, including trailers, tents and shacks may be permitted on a Lot. Temporary improvements used solely in connection with the construction of approved permanent improvements may be permitted by Developer provided they are located as inconspicuously as possible and are removed immediately after completion of such construction.

#### B. Antennas

No antenna for transmission or reception of television signs or any other form of electromagnetic radiation shall be erected, used or maintained on a Lot without the prior written approval of Developer.

#### C. Utility Service

All public utilities must be located within the designated public utility easements as shown on recorded subdivision plats. No "service lines" shall be constructed, placed, or maintained anywhere in or upon a Lot unless the same shall be contained in conduits or cables constructed, placed, and maintained underground or concealed in, under, or on buildings or other approved improvements; provided electrical transformers may be permitted if properly screened and approved by Developer. Nothing herein shall be deemed to forbid erection and use of temporary power or telephone service poles incident to the construction of approved improvements. The foregoing shall also apply to "transmission lines" now or hereafter existing on a Lot. As used herein, the term "service line" shall include lines, wires, or other devices for the communication or transmission of electric current or power on any site or part thereof, including telephone, computer, radio, and television signals. As used herein, the term "transmission line" shall include such master lines, wires, etc. as transmit the current or power to the site or parts thereof, and from which the "service lines" run. Taps to utility service lines shall be made at appropriate times. For Lots with a grade below curb height, the tap shall be made prior to the installation of fill and for Lots with a grade above curb height, the tap shall be made after cut to curb grade.

#### D. Service Screening For Storage Areas

Garbage and refuse containers shall be concealed and contained within buildings, or shall be concealed by means of a screening wall of material similar to and compatible with that of the building. These elements shall be integrated with the concept of the building plan, shall be designed so as not to attract attention, and shall be located in the most inconspicuous manner

possible. The method of garbage and refuse storage must be depicted on the site plan submitted to Developer for approval.

E. Streets, Drives, Curbs and Walks

Street, drives, curbs, and walks shall be constructed or altered in accordance with plans and specifications submitted to and approved in writing by Developer, the Warrick County Highway Engineer, and the Warrick County Commissioners.

Access to the entrance on Nobles Chapel Road will be restricted to single axel vehicles and temporary emergency use.

F. Storage Tanks

No exterior storage tanks, including, but not limited to, those used for storage of water or propane gas, shall be permitted on a Lot. No exterior gas pumps are permitted. Developer reserves the right to erect above ground water service facilities for fire protection and service enhancement purposes.

G. Mail Boxes

U.S. Mail Service mail drops shall be encased in brick. Addresses must be those as designated on recorded plat.

H. Air Conditioning Equipment

Air conditioning equipment which is visible on the exterior of any improvements shall be permitted based upon the adequacy of screening and/or landscaping of such equipment and be approved by Developer in writing.

I. Exterior Materials

Finished building materials shall be applied to all sides of building.

J. Repair of Buildings

No building or other improvements located upon a Lot shall be permitted to fall into disrepair. Each improvement shall at all times be kept in good condition and repair and adequately painted or otherwise finished in accordance with the original plans approved by Developer. Should the owner, lessee, or occupant of a Lot, or any portion thereof, fail to remedy any deficiency in the repair and maintenance of any building or other improvements as provided above, within thirty (30) days after registered mail written notice from Developer thereof, Developer hereby expressly reserves the right, privilege, and license to make any and all reasonable repairs, etc. at the cost and expense of said owner. Said cost shall be paid by the owner to Developer within fifteen (15) days after receipt of notice of the amount due. Any payment not made within said fifteen (15) days shall become a lien upon the Lot.



**ARTICLE XI.**  
**PLAN APPROVALS**

**SECTION I. SUBMISSION OF PLANS REQUIRED**

Before commencing the construction or alteration of any buildings, enclosures, fences, loading docks, parking facilities, landscaping, rail service, or any other structures or permanent improvements on or to a Lot, the owner, lessee, or occupant of the Lot, or any portion thereof, shall first submit final construction plans and specifications, in duplicate, to Developer for its written approval as hereinafter provided.

**SECTION II. SUBMISSION REQUIREMENTS**

No improvements shall be erected, placed, or altered on the Lot until plans and specifications showing plot layout and all exterior elevations, with materials therefor and structural design, signs, and landscaping shall have been submitted to and approved in writing by Developer, or Property Owners Association. Such plans and specifications shall be submitted in writing over the signature of the owner or lessee or his authorized agent of the Lot and shall be accompanied by the request of such owner, lessee, or agent specifying for which part of such plans and specifications approval is sought. Nothing herein shall be construed to require the submission of plans for the alteration of the interior of any existing building unless planned interior alteration will substantially change the primary use of the improvements or create a greater demand for parking. All local permits including improvement location permits, sewer permits, driveway permits, and building permits must be obtained prior to the start of construction of any improvement requiring the use of any material.

**SECTION III. APPROVAL CONSIDERATIONS**

Approvals shall be based, among other things, on (a) storm drainage considerations, conformity, and harmony of external design with neighboring structures, improvements, operations, and uses; (b) relation of topography grade and finished ground elevation of the site being improved to that of neighboring sites; (c) proper facing of main elevation with respect to nearby streets; (d) and conformity of the plans and specifications to the purposes and general plan and intent of these Protective Covenants. Developer shall not arbitrarily or unreasonably withhold its approval of such plans and specifications.

**SECTION IV. MANDATORY ACTION BY DEVELOPER**

The Developer shall either approve or disapprove such final construction plans and specifications within fifteen (15) days after the date of receipt by Developer of final drawings and request for approval.

**SECTION V. REASONS FOR DISAPPROVALS REQUIRED**

Whenever Developer disapproves such plans and specifications, the disapproval shall be accompanied by a written outline of the reason or reasons for such disapproval.

**SECTION VI. TERM OF APPROVAL**

Approval by Developer shall be effective for a period of one (1) year from the date the approval is given. If construction has not commenced within the said one (1) year period, the approval shall have expired, and no construction shall thereafter commence without written renewal of such prior approval.



## **SECTION VII. DEVELOPER LIABILITY**

Neither Developer nor its successors or assigns shall be liable in damages to anyone submitting plans to it for approval or to any owner or occupant of land affected by these Protective Covenants, by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans. Every person who submits plans to Developer for approval agrees, by submission of such plan, and every owner or occupant of any Lot agrees, by acquiring title thereto or in suit against Developer to recover any such damages. In case of conflict between plan review and these Protective Covenants, the Protective Covenants shall govern the rights and obligations of the parties. Developer's approval of any building plans, specifications, site or landscape plans or elevations or any other approvals or consents given by Developer pursuant hereto or otherwise, is given solely to protect the aesthetics of the Property and shall not be deemed a warranty, representation or covenant that such buildings, improvements, landscaping, or other action taken pursuant thereto or in reliance thereon complies with, or is not in violation of any applicable laws, rules, or regulations, and Developer is hereby expressly released and relieved of any and all liability in connection therewith.

## **ARTICLE XII.** **ENFORCEMENT**

### **SECTION I. REMEDIES**

The Protective Covenants set forth herein shall be construed as covenants running with the land and shall inure to the benefit of and be enforceable by Developer or Property Owners Association, by any owner of a Lot, and during a tenancy in excess of five (5) years by any tenant of a Lot, by actions at law or suits in equity. The failure of any person or organization to enforce any covenant or restriction herein contained shall in no event be deemed a waiver by that or any other person or organization of its rights to thereafter enforce the same nor shall any liability attach to Developer or any other organization or individual for failure to enforce such covenants or restrictions.

### **SECTION II. DEVELOPER'S LIEN**

Any payment due Developer from any owner of a Lot pursuant to the terms and provisions of these Protective Covenants, and not paid within fifteen (15) days after receipt of notice of the amount due, shall become a lien upon the portion of the Lot affected, and shall be enforceable at law or in equity by Developer.

### **SECTION III. RIGHT OF DEVELOPER TO ACT**

Upon the violation of any of the Protective Covenants herein contained, the Developer or Property Owners Association, in addition to all other remedies, may seek an order from a court of competent jurisdiction permitting it to enter upon the portion of the Lot upon or as to which such violation exists, and summarily to abate or remove the same, using such force as may be reasonably necessary at the expense of the owner thereof, and neither the person entering nor the organization directing the entry shall be deemed liable for any manner of trespass for such action. The owner shall pay on demand the cost and expense of such abatement or removal, which shall include reasonable attorney's fees and other costs in connection with seeking the court order. The cost of such abatement or removal, if not paid within fifteen (15) days after receipt of notice by the owner of the amount due, shall become a lien upon the portion of the Lot affected, and enforceable at law or in equity by Developer or Property Owners Association.



**ARTICLE XIII.**  
**TERM, TERMINATION, MODIFICATION, AND ASSIGNMENT**  
**OF DEVELOPER'S RIGHTS AND DUTIES**

**SECTION I. TERM**

These Protective Covenants, every provision hereof and every covenant, condition, and restriction contained herein shall continue in full force and effect for a period of twenty (20) years from the date of recordation hereof.

**SECTION II. TERMINATION AND MODIFICATION**

These Protective Covenants, or any provision hereof, may be terminated, extended, modified or amended, as to the whole of a Lot or any portion thereof, by Developer, but only with the written approval of the owners of all the Lots, or portions thereof, affected by such termination, extension, modification, or amendment. These Protective Covenants shall be effective until a property instrument in writing has been executed, acknowledged, and recorded in the office of the Recorder of Warrick County, Indiana.

**SECTION III. ASSIGNMENT OF DEVELOPER'S RIGHTS AND DUTIES**

Any and all rights, powers, duties, reservations of Developer herein contained may be assigned to any person, corporation, partnership, or association which will assume the duties of Developer pertaining to the particular rights, powers, and reservations assigned, and upon any such person, corporation, partnership, or association's evidencing its consent in writing to accept such assignment and assume such duties, he or it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given and assumed by Developer.

**ARTICLE XIV.**  
**MISCELLANEOUS PROVISIONS**

**SECTION I. CONSTRUCTIVE NOTICE AND ACCEPTANCE**

Every person, corporation, partnership, or organization, who now or hereafter owns or acquires any right, title, or interest in or to any portion of a Lot is and shall be conclusively deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to the Protective Covenants is contained in the instrument by which such person, corporation, partnership, or organization acquired such right, title, or interest in the Lot or portion thereof.

**SECTION II. PARAGRAPH HEADINGS**

Paragraph headings where used herein, are inserted for convenience only and are not intended to be a part of these Protective Covenants or in any way define, limit, or describe the scope and intent of the particular paragraphs to which they refer.

**SECTION III. EFFECT ON INVALIDATION**

If any provision of these Protective Covenants is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

#### SECTION IV. WRITTEN NOTICE

Whenever written notice is required or specified herein, such written notice shall be deemed made and given only when deposited in the United States mail, postage paid and addressed to the last known address of the addressee. All such notice shall be sent by certified mail, return receipt requested.

### ARTICLE XV. ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION

#### SECTION I. ESTABLISHMENT

At such time as the Grantor has sold, conveyed or released all of its interest in and to the lands in the North Warrick County Industrial Park and said lands have been fully developed, i.e., initial buildings have been constructed on all Lots and are ready for occupancy, the Developer shall establish a Property Owners Association to assume the duties of the Developer, it being understood, however, that until said Property Owners Association has been established, all rights and powers set forth in these Protective Covenants shall be exercisable only by Developer, or the person, corporation, or partnership to whom or which Developer may have made an assignment pursuant to Section III. Of Article XV. hereof.

#### SECTION II. MEMBERSHIP QUALIFICATIONS

The person or entity who is a record owner of a Lot shall be a member of the Association. The foregoing is not intended to include person or entities that hold an interest merely as security for performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of the Lot.

#### SECTION III. VOTING RIGHTS

Voting rights in the Property Owners Association will be based on 100 times the number of acres within the Lot divided by the total number of acres contained within the Property (excluding any right-of-way).

IN WITNESS WHEREOF, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

WARRICK COUNTY REDEVELOPMENT COMMISSION

By: \_\_\_\_\_  
L.B. Dugan

Its: Chairman

**WARRICK COUNTY ECONOMIC DEVELOPMENT DEPARTMENT  
NORTH WARRICK COUNTY INDUSTRIAL PARK  
ESTIMATED COSTS  
10/31/02**

LAND PURCHASE BALANCE	\$2,443,200
DEVELOPMENT COSTS	\$4,980,000
TOTAL	\$7,423,200

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31 31



RESOLUTION NO. 2002-1

RESOLUTION OF THE WARRICK COUNTY ECONOMIC DEVELOPMENT  
ADVISORY COUNCIL APPROVING A RESOLUTION OF THE WARRICK  
COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING  
THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC  
DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT  
PLAN

WHEREAS, the Warrick County Economic Development Advisory Council ("EDAC"), is the body charged with the advising the Board of Commissioners and County Council of Warrick County, Indiana (the "County") with regard to economic development issues and with making recommendations for the expenditure of that portion of Economic Development Income Tax ("EDIT") revenues earmarked for economic development in the County; and

WHEREAS, the Warrick County Redevelopment Commission (the "Commission"), the governing body of the Warrick County Department of Redevelopment (the "Department") on November 1, 2002 approved and adopted its Resolution No. 2002-1 entitled "RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution designates and declares an area within the County as the North Warrick County Industrial Park Economic Development Area (the "Area"), and adopts an Economic Development Plan for the Area entitled "North

Page C  
of 3



Warrick County Industrial Park Economic Development Plan” (the “Economic Development Plan”); and

WHEREAS, because the County intends to fund the development of the Area with EDIT revenues, the Commission has submitted said Declaratory Resolution and Economic Development Plan to EDAC for approval, which Declaratory Resolution and supporting data is attached hereto and made a part hereof; and

WHEREAS, EDAC desires to approve the Declaratory Resolution and the Economic Development Plan;

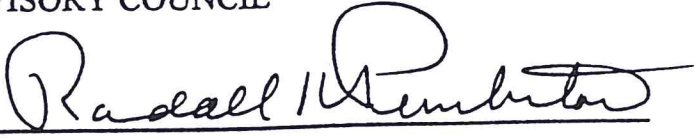
NOW, THEREFORE, BE IT RESOLVED by the Warrick County Economic Development Advisory Council as follows:

1. The development of the Area in accordance with the Economic Development Plan is vital to implementing a program of diversified economic growth in the County in that such development has significant potential to dramatically improve the County’s ability to recruit new businesses and industries to locate in the County and to promote the retention and growth of existing County businesses and industries.
2. The Economic Development Plan is in all respects approved, ratified and confirmed.
3. The Declaratory Resolution of the Commission, designating and declaring the Area and adopting an Economic Development Plan pursuant to the Act, is in all respects approved, ratified and confirmed.
4. The Secretary is hereby directed to file a copy of said Declaratory Resolution and the Economic Development Plan with the minutes of this meeting.

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2 of 3

PASSED, ISSUED AND APPROVED by the Warrick County Economic  
Development Advisory Council this 1<sup>st</sup> day of November, 2002.

WARRICK COUNTY ECONOMIC DEVELOPMENT  
ADVISORY COUNCIL

By   
Randall Pemberton

Its: Vice Chairman

ATTEST:

By:   
Bill Kruse

Its: Secretary

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3 of 3

RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION  
APPROVING A RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT  
COMMISSION DESIGNATING AND DECLARING THE WARRICK COUNTY  
INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN  
ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Warrick County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Warrick County, Indiana (the "County"); and

WHEREAS, the Warrick County Redevelopment Commission (the "Commission"), the governing body of the Warrick County Department of Redevelopment (the "Department"), on November 1, 2002 approved and adopted its Resolution No. 2002-1 entitled "RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN" (the "Declaratory Resolution") a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Declaratory Resolution designates and declares an area within the County as the North Warrick County Industrial Park Economic Development Area (the "Area"), and adopts an Economic Development Plan for the Area entitled "North Warrick County Industrial Park Economic Development Plan" (the "Economic Development Plan") a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Warrick County Economic Development Advisory Council ("EDAC"), the body charged with advising the Warrick County Commissioners on the use of Warrick County EDIT revenue, on November 1, 2002 approved and adopted its



Resolution No. 2002-1 entitled "RESOLUTION OF THE WARRICK COUNTY ECONOMIC DEVELOPMENT ADVISORY COUNCIL APPROVING A RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN" approving the Plan (the "EDAC Resolution") a copy of which is attached hereto as Exhibit C; and

WHEREAS, the Commission has submitted said Declaratory Resolution and the Economic Development Plan to the Plan Commission for approval pursuant to the provisions of IC 36-7-14 (the "Act"), which Declaratory Resolution and supporting data are attached hereto and made a part hereof; and

WHEREAS, pursuant to the provisions of the Act, the Plan Commission desires to issue its written order approving the Declaratory Resolution and the Economic Development Plan;

NOW, THEREFORE, BE IT RESOLVED by the Warrick County Area Plan Commission as follows:

1. The Declaratory Resolution and the Plan conform to the plan of development for Warrick County.
2. The Economic Development Plan is in all respects approved, ratified and confirmed.
3. The Declaratory Resolution of the Commission, designating and declaring the Area and adopting an Economic Development Plan pursuant to the Act, is in all respects approved, ratified and confirmed.

4. The Plan Commission has considered all residents of the Area who will be displaced by the economic development of the Area and finds that adequate arrangements have been made to compensate all landowners for any displacement.

5. This Resolution hereby constitutes the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan pursuant to IC 36-7-14-16.

6. The Secretary is hereby directed to file a copy of said Declaratory Resolution and the Economic Development Plan with the minutes of this meeting.

PASSED, ISSUED AND APPROVED by the Warrick County Area Plan Commission this 13 day of NOVEMBER, 2002

WARRICK COUNTY AREA PLAN COMMISSION

By Doris J. Horn

ATTEST:

Shuni L. Phillips, Executive Director

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Exhibit 10  
page 3 of 3

## EXHIBIT E

RESOLUTION NO. 2002-09

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF WARRICK APPROVING A RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK AN ECONOMIC DEVELOPMENT AREA AND APPROVING THE ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Warrick County Redevelopment Commission (the "Commission"), on November 1, 2002 approved and adopted its Resolution No. 2002-1 entitled "RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN" (the "Declaratory Resolution") a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Declaratory Resolution designates and declares an area within the County as the North Warrick County Industrial Park Economic Development Area (the "Area"), and adopts an Economic Development Plan for the Area entitled "North Warrick County Industrial Park Economic Development Plan" (the "Economic Development Plan") a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Warrick County Economic Development Advisory Council ("EDAC"), on November 1, 2002 approved and adopted its Resolution No. 2002-1 entitled "RESOLUTION OF THE WARRICK COUNTY ECONOMIC DEVELOPMENT ADVISORY COUNCIL APPROVING A RESOLUTION OF THE



WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN" approving the Economic Development Plan (the "EDAC Resolution") a copy of which is attached hereto as Exhibit C; and

WHEREAS, the Warrick County Area Plan Commission (the "Plan Commission") is the body designated the acting official planning body for Warrick County, Indiana, on November 13, 2002, approved and adopted its Resolution No. 2002-1 entitled 'RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION APPROVING A RESOLUTION OF THE WARRICK COUNTY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE NORTH WARRICK COUNTY INDUSTRIAL PARK AN ECONOMIC DEVELOPMENT AREA AND APPROVING THE ECONOMIC PLAN" approving the Economic Development Plan (the "Plan Commission Resolution") a copy of which is attached hereto as Exhibit D; and

WHEREAS, the Commission has submitted the Plan Commission Resolution, the Declaratory Resolution and the Economic Development Plan to the Board of Commissioners of the County of Warrick (the "Board of Commissioners") for approval pursuant to the provisions of IC 36-7-14 the "Act"), which are attached hereto and made a part hereof; and

WHEREAS, pursuant to the provisions of the Act, the Board of Commissioners desire to issue its written order approving the Plan Commission Resolution, the Declaratory Resolution and the Economic Development Plan;

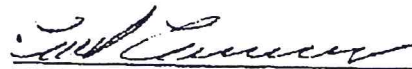
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Warrick as follows:

1. The Declaratory Resolution and the Economic Development Plan conform to the plan of development for Warrick County.
2. The Economic Development Plan is in all respects approved, ratified and confirmed.
3. The Declaratory Resolution of the Commission, designating and declaring the Area and adopting an Economic Development Plan pursuant to the Act, is in all respects approved, ratified and confirmed.
4. The Resolution of the Plan Commission, adopting and approving the Declaratory Resolution is in all respects approved, ratified and confirmed.
5. This Resolution hereby constitutes the written order of the Board of Commissioners approving the Plan Commission Resolution, the Declaratory Resolution and the Economic Development Plan pursuant to IC 36-7-14-16.
6. The Secretary is hereby directed to file a copy of said Plan Commission Resolution, Declaratory Resolution and the Economic Development Plan with the minutes of this meeting.

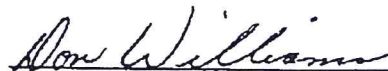
7. This Resolution shall be in full force and effect from and after its adoption by the Board of Commissioners of the County of Warrick.

PASSED, ISSUED AND APPROVED by the Board of Commissioners of the County of Warrick this 20th day of November, 2002 at a regular meeting of the Board of Commissioners held in the Old Warrick County Courthouse room 303, Boonville, Indiana 47601.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF WARRICK

  
Carl Connor, President

  
Jack Pike

  
Don Williams

ATTEST:

  
ADMINISTRATOR

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